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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,814	01/15/2004	Mark A. Hackler	IM1315USNA	8254
23906 7590 06/26/2007 E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128 4417 LANCASTER PIKE WILMINGTON, DE 19805			EXAMINER SELLS, JAMES D	
			ART UNIT 1734	PAPER NUMBER
			MAIL DATE 06/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/759,814	<b>Applicant(s)</b> HACKLER ET AL.	
	<b>Examiner</b> James Sells	<b>Art Unit</b> 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 31-43 and 45-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-43, 45-48, 52-66 and 74-77 is/are rejected.
- 7) ☒ Claim(s) 49-51 and 67-73 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____                                                         | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 31-43, 52-66, 74-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (WO 01/18604).

Johnson discloses a method and apparatus for thermal processing a photosensitive element. As shown in Fig. 15, the system comprises photosensitive sheet 16, which is fed onto drum 18. Heater 300 heats the sheet in the manner claimed by the applicant. Plate processor 10a includes a delivery means for feeding continuous absorbent web 76 of non-woven material, which contacts the hot roller. Blower 356 and shroud 358 extend around drum in close proximity to surface 22. Vacuum fan unit 368 forms a plenum with underpart of conveyor 144a to control fumes from heating the composition later on sheet 16. The exhaust from unit 368 is vented through conduit 370. See page 28, line 13 through page 35, line 3.

However, Johnson does not disclose the means for collecting the vapor at the means for supplying as claimed by the applicant. However, it is the examiner's position that such a configuration is a merely mechanical modification and is therefore an obvious expedient over the configuration disclosed by Johnson. The court has held that a mere change in the arrangement or location of mechanical elements represents an

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obvious expedient and that mechanical equivalents would be merely a matter of choice for one having ordinary skill in the art. See *In re Gazda*, 104 USPQ 400 (CCPA 1955).

The applicant is also reminded that the materials used are not germane to the patentability of an apparatus claim.

3. Claims 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (WO 01/18604) in view of applicant's admitted prior art.

On page 3, lines 11-22 of specification, applicant discloses a commercial embodiment which employs a collection pan to collect condensate. Such a collection pan constitutes a means for confining the condensate, means for managing removal of the condensate and means for collecting the condensate in the manner claimed by the applicant.

It would have been obvious to one having ordinary skill in the art to employ such a collection pan in the device of Johnson as described above in order to prevent such condensate from damaging the system.

#### ***Allowable Subject Matter***

4. Claims 49-51 and 67-73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

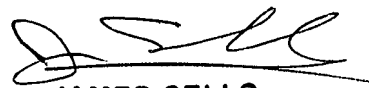
5. Applicant's arguments with respect to claims 31-43, 45-48, 52-66 and 74-77 have been considered but are moot in view of the new ground(s) of rejection.

***Telephone/Fax***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is 571-272-1237. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**JAMES SELLS**  
**PRIMARY EXAMINER**  
**TECH. CENTER 1700**